2 December 1968

MR. CORREY

25X1 [redacted]

RBW

Request only for trainees because of their special circumstances - new to Agency, living on tight budget,
25X1 short stay [redacted] "hazardous" activity, etc. --

Regular staffers on duty [redacted] would follow routine claim procedures via Hqs Board of Survey. 25X1

25X1 [redacted] has no difficulty with two procedures - one for trainees and the other for staffers -

It seems a relatively minor issue and I don't see any major precedents being set. Good for trainee morale and no one is objecting. Recommend DD/S signature.

JEF

Believe our approval needs to be stated more precisely than in para 6 which says "training exercises" but does not say "trainees". Pls put specific words against asterisk elaborating our approval line.

JWC

5 DEC 1968

Mr. Coffey
- changed per your
comments

JSC

| TRANSMITTAL SLIP | DATE 29 October 1968 |
|---|---|
| TO: Director of Logistics | |
| ROOM NO. 1206 | BUILDING Ames |
| REMARKS: For your information and comment. | |
| FROM: Special Assistant to the DD/S | |
| ROOM NO. 7D02 | BUILDING Hqs. |

FORM NO. 241 1 FEB 55 REPLACES FORM 36-8 WHICH MAY BE USED. (47)

STATINTL

Approved For Release 2003/06/05 : CIA-RDP84-00780R002200090003-8

STATINTL

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OGC 66-2358

20 December 1966

MEMORANDUM FOR: Secretary, Claims Review Board

SUBJECT: Delegation of Statutory Authority of Director Pursuant to the Military Personnel and Civilian Employees' Claims Act of 1964

1. You have asked our opinion as to whether the Deputy Director for Support may approve a regulation dealing with the Military Personnel and Civilian Employees' Claims Act of 1964. Further, if the DDS has this authority, you have asked whether he may appoint, by regulation, designees to settle and pay claims as provided by the Act.

2. Section 3(a) of the 1964 Claims Act states: "Under such regulations as the head of an agency may prescribe, he or his designee may settle and pay a claim arising after the effective date of this Act against the United States for not more than $6,500...." The issue then, first, is whether the Director of Central Intelligence may delegate statutory authority specifically vested in him by law as the "head of the Agency" to the DDS, and secondly, if he may, whether he has so delegated his authority to regulate pursuant to the 1964 Act.

3. Title 5, United States Code, Sec. 302(a)(1), states in addition to the authority to delegate conferred by other law, the head of an agency may delegate to subordinate officials the authority vested in him--(1) by law to take final action on matters pertaining to employment, direction, and general administration of personnel under his agency...." We have contacted the General Accounting Office on the question of whether this general statutory provision could be applied to the approval authority for regulatory issuances concerning settlement and payment of claims pursuant to the 1964 Act. A representative of the GAO has informally stated that 5 USC 302(a)(1),

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Ref. D

gives the Director authority to designate a subordinate to prescribe regulations pursuant to the 1964 Act, which may include the appointment of designees other than the Director to settle and pay claims.

25X1 4. [redacted], setting forth the duties of the DDS, includes responsibility for overall support of all intelligence, operational, 25X1 and related activities. [redacted] specifically requires the DCI or the DDS to approve Headquarters regulatory issuances. This would appear to give the DDS the authority to issue all Headquarters regulations not restricted by statute to issuance by the Director only. It is our opinion, therefore, that the DDS has the authority to approve regulatory issuances pertaining to the Claims Act of 1964, to include the designation of officials to settle and pay claims under the Act.

[redacted] 25X1

Assistant General Counsel

cc: Deputy Director for Support
Chief, Support Services Staff

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ATTACHMENT A

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2. PROPOSAL: Establish a regulatory policy and procedure providing for home leave normally after 24 months but between 18-36 months, when necessary.

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Present Regulation: The initial grant of home leave may be made only after completion of 24 months continuous creditable service outside the United States after 6 September 1960. Following the initial grant, home leave may be granted upon completion of each subsequent period of service outside the United States, which shall not be less than the prescribed tour of duty for the employee's post of assignment unless the Director of Personnel determines that an earlier grant of home leave is warranted in an individual case.

Recommendations: The current regulatory provision limiting initial grants of home leave solely to 24 months (without provision for exceptions) but allowing subsequent grants of home leave upon the completion of an overseas tour, unless the Director of Personnel permits an earlier time, should be deleted. In lieu thereof, an employee should be authorized home leave, either on an initial or subsequent tour, following the completion of whatever period of service is required for home leave eligibility at his station or has been prescribed for him personally in connection with a specific overseas assignment.

Agency regulations should state that home leave will be granted, as soon as administratively convenient, after 24 months continuous service at an overseas post unless official action is taken when necessary in advance to prescribe some other defined period between 18-36 months.

Requests for the establishment at a designated post of a period of service other than 24 months for home leave proposals should be instigated by the Operating Official concerned and approved by the Director of Personnel, in accordance with procedures spelled out in the regulations. An approved request should be applied in the future granting of home leave to all personnel or to designated classes of personnel, e.g. clericals, assigned to the post concerned. Provision should also be made for an Operating Official to request when necessary a special period for home leave eligibility applicable only to an individual employee while on a particular assignment overseas. Consideration of requests for home leave periods other than 24 months, at a post or for an individual, should be permitted by regulation for any official reason, including cover, operational, administration, compassionate, health, or hazard considerations.

The period of home leave eligibility applicable to each employee, whether 24 months or some other approved period, should be shown in an Overseas Agreement, prepared prior to his departure overseas. Once defined in the Agreement, the period of home leave eligibility should be adhered to unless a return short of tour with entitlement to home leave is subsequently approved by the Director of Personnel and the appropriate Career Service, upon request by the Operating Official concerned.

Comment: The Agency's regulation on home leave is presently based upon the Overseas Differentials and Allowances Act, which requires initial tours to be 24 months in duration in order for home leave to be granted. The Secretary of State is authorized by Section 933(a) of the Foreign Service Act of 1946, as amended, to order members of the Foreign Service on home leave no sooner than 18 months and no later than 36 months from the date of assignment to an overseas post. We believe the authority in the Foreign Service Act should be adopted, in order to implement the recommendations above, without regard to the 24 months restriction on initial tours.

The Office of General Counsel has upheld the granting of home leave following initial tours other than 24 months when justified for cover or operational reasons. Exceptions to the 24 months period, however, have been infrequent, and were deviations from the definitive requirement in current regulations that initial grants of home leave can be made only after 24 months service. To obviate sporadic handlings of home leave matters in the future, we are proposing that the Agency establish a regulatory procedure which would be generally understood throughout the Agency and could be followed whenever it is felt necessary by Agency officials to institute a designated home leave policy other than 24 months.

We recognize that additional flexibility is needed in order to provide home leave when appropriate to individual employees, especially those that the Agency wishes to return to the United States prior to serving 24 months in an initial tour. The reasons for such returns are often quite varied and valid, e.g., evacuation, completion of an overseas task, reduction in overseas staffing and desire for an employee's services at Headquarters, but the difficulty frequently confronting the Agency is its inability to grant home leave in such cases. Sometimes, the proposed returns short of the originally planned tour only involve a few weeks or days before the 24 months period is completed. The adoptive action proposed above should solve this recurring problem.

Action to establish home leave eligibility following 18 months or some other lesser period than 24 months at a particular station would normally emanate from an Operating Official's desire to conform Agency home leave with cover policies at the post. With respect to [redacted] personnel, it is the Committee's view that their home leave period normally should be 24 months, consistent with the period required in most other Government agencies. STATSPEC

The Agency could adopt an 18-36 months home leave policy, having varying applicability at different stations, as officially determined, and it could administer such home leave arrangements without regard to the length of overseas tours prescribed for return travel rights and other purposes. We believe, however, it is preferable for clarity of understanding and simplicity of administration to equate periods of service required for home leave eligibility with the periods of overseas service required for various other overseas travel entitlements. We, therefore, consider it appropriate to provide in Agency regulations for a systematic procedure to be followed in prescribing overseas tours other than 24 months and to relate home leave eligibility, return travel, advance return of dependents, etc., to the satisfaction of 24 months service or whatever tour is prescribed for the station concerned. Since the proposal can be implemented by internal authority, the details of our suggestion are contained in Section II of this Report (Proposal 7).

## SECTION II. OTHER PROPOSALS PRESENTED BY THE SUPPORT SERVICES

### A. Recommended by Committee

4. PROPOSAL: Pay travel and transportation expenses of personnel separating abroad for reasons other than retirement to their "permanent place of residence."

Present Regulation: Pay travel and transportation expenses upon separation abroad "to headquarters or place of residence at time of appointment, including removal of effects from storage and delivery to authorized destination if no service agreement has been breached."

Recommendations: Change Agency regulations to authorize travel and related shipment and storage of effects at Government expense upon separation abroad from last duty post to the employee's permanent place of residence in the United States, its territories or possessions, which is designated in official records. Allow payment of these costs at Government expense to such other place as may be approved provided that the reimbursable costs do not exceed the constructive cost that would have been incurred in the payment of travel and transportation in a one lot shipment, by the transportation means usually employed, between the employee's duty station and his permanent place of residence.

The meaning of "permanent place of residence" should be included in Agency regulations as follows: normally means the dwelling place an employee has maintained for himself, his family for some time in the United States, its territories or possessions prior to his transfer or appointment to an overseas post of assignment. Each employee should designate his permanent place of residence for approval by Agency officials at the time he departs on his first tour of duty outside the continental United States. He should be permitted to request the authorization of a location other than his current dwelling as his permanent place of residence if he can show, at the time of his transfer or appointment, that his current dwelling place or residence is temporary or that he has taken concrete action to establish a new permanent place of residence in the United States, its territories or possessions with the intention of maintaining such location as his permanent place of residence upon his return from the overseas post. Information that could be presented in writing as evidence includes: state voting registration, property ownership, prior periods of residence, place where income or personal property taxes have been paid and other factual information evidencing a permanent place of residence other than the employee's dwelling place at the time of transfer or appointment.

Comment: The desirability of allowing overseas resignees or terminees to receive travel and transportation expenses to their permanent place of residence of official record was considered, versus the alternative of permitting them

travel at Government expense to a place of their own choosing, e.g., anywhere in the United States, its territories or possessions. We recognize that resignees who satisfy their overseas tour or are authorized to resign prior to the completion of their prescribed period are entitled to return travel to the United States, but we believe they should not be accorded the right of travel to any place of their choice. On the contrary, we believe the regulatory procedure followed by the State Department in limiting the return travel rights of overseas resignees to a designated residence of record in the U. S. is a desirable parallel, since we cannot conceive of any special reasons for treating Agency overseas resignees differently.

In particular, the Committee feels that granting overseas resignees the right of travel to anywhere in the United States, its territories or possessions would have the effect of placing a premium on overseas resignations, which is contrary to the Agency's policy of encouraging personnel to process out at Headquarters. We therefore, support authorization of travel to overseas resignees to their officially recorded permanent place of residence in the United States, its territories or possessions.

The current regulatory provision for payment of travel to overseas resignees, i.e., "place of residence at time of appointment" has caused considerable confusion. Some Divisions are construing it to mean whatever place of residence in the U. S. is designated by the employee at the time of his resignation overseas. Clarification of this matter should be effected by a regulatory definition of permanent place of residence, to which return travel rights of resignees abroad would be pegged.

5. PROPOSAL: Limit payment of travel and transportation expenses of an employee retiring abroad to a place in the United States, its territories or possessions, designated by the employee at the time of retirement.

Present Regulation: Travel and transportation expenses may be authorized for an employee retiring abroad "to the place where he will reside."

Recommendation: Adopt the above proposal.

Comment: The principal reason for this recommendation is to limit the current preferential right of those retiring abroad to receive payment of travel and transportation expenses to any place in the world. The change is an adjunct to the Committee's proposal in Section I of this Report, which recommends that CIAR retirees, regardless of duty station (U. S. or abroad), be granted travel and transportation costs to a place within the United States, its territories and possessions which they designate at the time of retirement.

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Section 911(3) of the Foreign Service Act of 1946, as amended, contains a similar provision; namely, payment of travel and transportation expenses "upon termination of his services /resignee or retiree/ to the place where he will reside." These statutory similarities are not carried out, however, in the Agency and State regulatory provisions applicable to overseas retirees. Whereas the Agency allows overseas retirees to receive travel and transportation expenses to the place where they will reside, i.e., anywhere in the world, the Department of State has limited such travel to an officially recorded place of residence in the United States, its possessions or Puerto Rico. It has also tightened up its procedures to ensure that changes will not be made except for a good reason (especially just before retirement). While the Committee does not advocate that the travel benefit accorded overseas retirees should conform completely to the system in the Foreign Service, we do believe an entitlement to travel and transportation expenses should be limited to a place in the United States, its territories or possessions.

In practice, employees often retire abroad, rather than returning PCS to Headquarters for separation, in order to take advantage of the travel benefit available to overseas retirees (22 of 68 retiring under CIAR in Calendar Year 1967). Only one employee, however, elected in CY 1967 to remain abroad after CIAR retirement. Although we do not have any available data on employees staying abroad after retirement under the Civil Service Retirement Act, we presume the total is also small in number. Thus, few individuals are expected to be adversely affected by the proposed change, and the recommended action should act as a future deterrent against personnel not returning to the United States upon cessation of employment. We believe that the number of personnel staying overseas should be kept to a minimum for security reasons, and the Agency should not as a matter of policy condone or encourage them to remain abroad by paying their travel costs to an overseas destination. Moreover, an employee's election to go anywhere in the world could be more expensive in some cases than returning them to the United States, its territories or possessions.

6. PROPOSAL: Amend Agency regulations to increase the reimbursement rate for use of privately owned vehicles for official business in the Metropolitan Washington area.

Present Regulation: Reimbursements for use of privately owned passenger vehicles between points within the Metropolitan Washington area are authorized at rates not to exceed 10 cents per mile.

Recommendation: Revise present regulation to provide for mileage payments at rate not to exceed 12 cents per mile with corresponding increases in the flat rates established for certain areas within the Metropolitan Washington area.

Comment: The present regulation evolved from an Agency decision in 1961 to establish a schedule of flat-rate reimbursements for official trips via private vehicles between the Headquarters Building and certain destination points in the Metropolitan area. Those reimbursements as well as reimbursements between other locations in the Metropolitan Washington area were limited to a 10 cents per mile rate which is the mileage rate authorized by the Standardized Government Travel Regulations (SGTR's) when a POV is used in lieu of a taxi between common carrier terminals and place of abode or place of business. It is to be noted that the SGTR provision in this latter instance has the effect of allowing 10 cents per mile for "non official" mileage (namely, the one-half of the round trip in which the employee is not an occupant of the POV), so long as the total round trip allowance on this basis does not exceed the one-way taxi fare. The same paragraph of the SGTR's provides that employees authorized to use a POV in the conduct of official business within or outside the designated post of duty may be authorized reimbursement on a mileage basis at a rate not to exceed 12 cents. At the present time, Agency regulations authorize a not to exceed 12 cents per mile rate for official travel within the United States except travel in the Metropolitan Washington area. In the interests of equity and consistency with the provisions of the SGTR's, it is concluded that the mileage rate base for travel within the Metropolitan Washington area should be increased from a maximum of 10 cents to 12 cents.

7. PROPOSAL: Establish a uniform policy and procedure for prescribing overseas tours other than 24 months, when necessary.

Present Regulation: There is no specific procedure in Agency regulations for establishing the length of tours of duty at overseas stations.

25X1 [redacted] Home Leave, presumes that tours of duty are prescribed in the Agency when it asserts that "home leave may be granted upon completion of each substantial period of service outside the United States which shall not be less than the prescribed tour of duty for the employee's post of assignment....."

In regard to individual service agreements for overseas travel entitlements,

25X1 [redacted] states: "Expenses of travel and transportation incident to appointment to a post abroad or transfer from CONUS to a post abroad shall not be allowed unless the employee agrees in writing to remain at his assigned post for a period of not less than one nor more than three years prescribed in advance by the Director of Personnel."

Recommendations: Agency regulations should specify that the normal tour of duty overseas will consist of 24 months continuous service unless some other period is officially prescribed for application at a particular overseas post either to all personnel or employees in specified grades.

The regulations should contain detailed procedures for authorizing such exceptions in advance of their applicability.

Comment: It is generally presumed that an overseas assignment is for a two-year period, in the absence of any definite regulatory procedure for establishing the exact period of overseas service required at overseas stations. In practice, the actual anticipated lengths of overseas tours are often informal understandings between employees and their offices; return travel rights, on the other hand, are explicitly spelled out in Overseas Agreements, signed by employees, automatically citing two years in most cases. Home leave eligibility, another independently considered factor in this picture, is confined by current regulations to two years for initial tours but is subject to individual determinations during subsequent tours without any length being specified as a norm. The above recommendations would tie these elements together, by conditioning the provision of the overseas travel benefits, except to retirees, upon the satisfaction of a prescribed overseas tour, as stated in an employee's Overseas Agreement and explained to him prior to his departure overseas.

We are not recommending that the multiple tour and home leave arrangements of the Department of State be adopted en toto by the Agency, [redacted] 25X1 our own. For example, the Department of State has a large number of posts in which home leave may be taken after 18 months by support and junior personnel, and most of these posts also grant these personnel the alternative of staying two years with an intervening R & R.

Many of the State posts have a three-year tour and leave policy for senior and mid-career officers, but it is usually only one of several options available, such as two years, two years and two years, three years and two years, 18 months and 18 months, etc. Cognizance is also taken of the fact that Agency officials have not considered it necessary in the past to formally prescribe a multiplicity of tour arrangements throughout the world, although in a few instances variances from 24 months have been approved for all employees or employees in certain grades, e.g., Saigon and 25X1 [redacted]

We believe the principal consideration in establishing a prescribed overseas tour at a station other than 24 months would be in most cases the cover or local circumstances which affect the most appropriate time for granting home leave. If, by regulation, home leave eligibility were made contingent upon the completion of an overseas tour, there would normally be no necessity for having a procedure to establish home leave eligibility periods separate from prescribed overseas tours. (An exception would be the need raised by an Operating Official to establish a period of home leave eligibility for a particular employee or group of employees at a station without changing the length of the tour generally applicable.)

8. PROPOSAL: Clarify home leave points.

Present Regulation: Home leave point means the place within the U. S., its territories or possessions designated by employee provided it is a place which employee, spouse, children or parents have established permanent social and community ties by reason of residence or in unusual situations any other point approved by the Director of Personnel.

Recommendations: Provide that the place or places of return travel that may be designated for home leave include permanent place of residence (of record), headquarters and other locations in which children, parents, parents-in-laws, brothers and sisters or brothers and sisters-in-law reside. Permission should also be granted an employee to request in writing other points for approval such as the location he intends to establish as his future permanent residence (e.g., by actual residence during periods of home leave).

The designation of one or more requested home leave points by an employee could be contained in an Overseas Agreement executed at the time he is processed for his first PCS assignment outside the United States. Thereafter, redesignations could be requested at any time, but only when one or more of the stipulated grounds for making the original designation are changed.

Comment: One of the most frequently recurring difficulties in administering home leave is deciding upon the correct home leave point in individual cases. Clear-cut criteria should be prescribed by regulations and could be brought to the employee's attention when most relevant; namely, at the time the employee departs overseas.

The proposed changes should eliminate considerable paper work and should benefit our employees by being more liberal and clear than the present regulation. Although the changes above would not be as lenient as the system in the Foreign Service, which essentially permits employees to initially designate any place of their choosing, we recognize that members of the Foreign Service, as public representatives, are expected to use their home leave time in learning and seeing different areas of the country. It is interesting to note that the State Department tightened up in 1967 its rules on redesignations for home leave purposes by stipulating that changes must be for valid reasons and headquarters approval must be obtained by the field. Specific examples of appropriate bases for change that were given by the Department include: relocation of home of parents, children or other close relatives; better climate because of health reasons; and anticipated area of retirement for a second career.

9. PROPOSAL: Eliminate duplicative eligibility criteria in Agency regulations for authorizing home leave travel and home leave (time).

25X1 Present Regulations: [redacted] indicates that home leave may be granted upon completion of a prescribed period of service outside the United States "when it is contemplated that the employee will return to service outside the United States immediately after home leave or upon completion of an assignment
25X1 in the United States." [redacted] provides for travel from duty post abroad (except Alaska and Hawaii) to home leave point and return if eligible for home
25X1 leave under [redacted] "when there is a reasonable expectation that the employee will return to an assignment outside the United States."

Recommendation: Eliminate the duplication by deleting the following quoted
25X1 material in [redacted] "when there is a reasonable expectation that the employee will return to an assignment outside the United States."

Comment: The quoted language in [redacted] is the standard contained in 25X1
Civil Service Commission rules and regulations which implement the Overseas Allowance and Differentials Act. These rules are binding upon the Agency unless specific exception is taken to them under the Director's power to adopt other authorities. The quoted material in [redacted] is not found in law or 25X1
CSC regulations and is confusing to the extent that its broader language could be construed by some to have a different meaning.

10. PROPOSAL: Establish regulatory criteria and procedures for determining an employee's eligibility for home leave and the Home Service Transfer Allowance.

Present Regulations: For the general standard of home leave eligibility, see
25X1 the provisions of [redacted] referred to immediately above.
25X1 [redacted] requires a refund of home leave used if the employee fails to return to service overseas after an assignment in the U. S. except that the refund will not be required if the employee completes six or more months service in the U. S. after home leave; if the Director of Personnel determines the failure to return was due to compelling personal reasons beyond the employee's control, e.g., mental, physical or compassionate; or if the Director of Personnel determines it is not in the public interest to return the employee outside the United States.

Agency regulations specify that the Home Service Transfer Allowance (HSTA) may be granted only to employees assigned in the United States between assignments in foreign areas when an employee certifies that he will be subject to a foreign assignment following his assignment in the United States.

Recommendations: Whenever reassignment planning for an overseas employee calls for his return to the United States for an assignment after the completion of his overseas tour, he should be instructed to forward a form certification acknowledging the basic requirements he must meet to receive home leave or the Home Service Transfer Allowance, if otherwise payable pursuant to Agency regulations. (The certification would not be necessary when an employee is returning to his same post or another overseas station immediately after home leave.) The employee's certification should be forwarded at the time his

Field Reassignment Questionnaire (FRQ) is forwarded to Headquarters, or as soon thereafter as possible, and it should acknowledge his understanding that home leave eligibility is contingent upon the following: (a) satisfaction of his prescribed tour; (b) his willingness "to return to service outside the United States upon completion of an assignment in the United States;" (c) a determination by Headquarters that it contemplates he will be returned to service outside the United States "upon completion of an assignment in the United States;" and (d) he will be liable for a refund of any home leave and home leave travel granted if he resigns or retires within six months of return to the United States. The form should also contain a section for the employee to acknowledge his understanding that the provision of a Home Service Transfer Allowance, if otherwise payable, will be dependent upon the certifications in b. and c. above and that he will be subject to a refund of the HSTA if he resigns or retires within six months of return to duty in the United States.

The regulatory procedure should prescribe that the certification form would be channeled through the Chief of Station or Base and the Headquarters Office concerned to the appropriate Career Service for its determination whether or not the employee's return overseas is "contemplated upon the completion of an assignment in the United States."

In making individual determinations, the Career Service should not approve an employee's eligibility for home leave or the Home Service Transfer Allowance, when payable, if the Career Service concludes the employee probably will not be returned overseas because of one or more of the following considerations: (a) his qualifications, work performance, or intended utilization; (b) his state of health, which the Director of Medical Services believes may or will prevent the employee's return abroad; (c) his return to the U. S. from overseas involves cause, personal reasons or other circumstances which will likely result in no subsequent future assignment overseas; (d) he will be at least age 59 by the date of his return to the United States and there are no positive plans to extend his employment for an additional tour overseas; or (e) future staffing plans of the Career Service. Determinations of the Career Service involving considerations of employee suitability, qualifications, work performance, personal reasons, compassionate reasons, or health considerations should be made with the approval of the Director of Personnel.

The certification form should be returned to the field with the finding of the Career Service, and the Director of Personnel when applicable, as the basis for authorizing or not authorizing home leave in the PCS Travel Orders executed by the station or base. A copy of the form should be retained by the Operating Office concerned for use in processing a claim for the HSTA, requested by the employee in accordance with requirements in Agency regulations, upon his return to duty in the U. S.

Comment: The Committee's recommendations for a joint Agency-employee certification as a prerequisite for payment of the Home Service Transfer Allowance is in consonance with the requirement in the Standardized Regulations (Government Civilians, Foreign Areas) and with the expressed views of the Deputy Director of Central Intelligence. He had occasion to state: "I agree with this decision [an employee's appeal] but consider our regulations on Home Transfer Allowance

much too vague. For example, if claimant had signed a certification before making this claim he would have been entitled to HSTA even though there may not have been any clear intent to send him to a foreign assignment on his subsequent tour. Seems to me there should be clearer limitations than simply being subject to and willingness to accept foreign assignment at some unspecified future time."

The Director of Personnel referred the issue to this Committee with the suggestion it consider the feasibility of establishing similar or identical criteria for determining when an employee is eligible or ineligible for home leave and the Home Service Transfer Allowance, if otherwise payable by regulation. We believe that essentially the same criteria of eligibility could be applied to both home leave and the HSTA. In each instance there should be a mutual agreement by the Agency and the employee that it is contemplated he will return to another tour abroad upon the completion of an assignment in the United States (which could be days or years in duration). Moreover, the concern of the Deputy Director that "there should be clearer limitations than simply being subject to and willingness to accept foreign assignments at some unspecified future time" applies, in our opinion, to determinations of eligibility for home leave as well as for the HSTA.

Under present arrangements, home leave can be authorized in the field through the issuance of ICS Travel Orders, without the personnel executing the Orders having any specific knowledge of the Agency's intention to return an employee overseas after an assignment in the U. S. The HSTA, however, is claimed and certified, when payable, by an employee at Headquarters. Incompatibilities could occur, if the Agency were to institute a system requiring a Career Service to determine whether an employee will be sent overseas in the future as the basis for paying the HSTA without providing for a corresponding decision as the basis for granting him home leave. For example, situations could arise in which an employee would receive home leave, as an incident to a Travel Order, but not receive the HSTA, because of an official determination that it was not contemplated he would return overseas. The recommendations above should avert this problem.

In most cases, confirmation of an employee's eligibility to receive home leave or a Home Service Transfer Allowance, if payable by regulation, could be handled as a part of the FRQ process, in planning his next assignment. We realize there would be occasions when a field decision on the timing of home leave could come up shortly before an employee's prospective return, e.g., due to staffing arrangements at the station or employee returns short of tour; in such situations, the certification form could be transmitted by dispatch rather than accompany an FRQ.

Utilizing the existing FRQ system in determining the eligibility of employees for home leave and the HSTA should result in compatible decisions being made on both benefits without the necessity of establishing a new administrative process. Although we believe such determinations should be made before an employee departs from overseas for an assignment in the U. S., we recommend adoption of the recommended criteria above for making the Agency-employee certifications even if some other administrative arrangements are decided upon.

11. PROPOSAL: Conform Agency regulations to State policy limiting the home leave of personnel assigned in the U. S. after an overseas tour to 15 workdays.

Present Regulation: Authorizes a maximum of 60 calendar days to be used for travel, consultation and home leave.

Recommendation: Issue a regulatory change providing that employees assigned PCS in the United States following a tour of duty overseas with eligibility for home leave will be granted not more than 15 workdays of home leave upon their return to the United States, unless an exception is approved by the Director of Personnel. Exceptions could be approved if conditions similar to the following exist: (a) additional rest and recuperation is needed due to service under particularly difficult circumstances; (b) an exceptional delay of home leave occurred due to operational requirements abroad; or (c) serious personal or family problems warrant extended home leave.

Comment: The recommendation, as stated above, was favorably considered in 1966 by the Personnel Advisory Board (senior Agency Officials representing the Directorates), but administrative action to implement the proposal was never completed.

Action on the recommendation is suggested primarily to conform Agency practice with that of the Department of State. The Agency, as a matter of principle, 25X1

[redacted]

to adopt other administrative authorities or programs should be extended to policies necessary to the administration of all employees of the Agency, even if the effect, as in this case, would be to eliminate preferred treatment accorded to certain personnel.

Adherence to the policy of the Department is also considered desirable because the presumed reasons causing the Department to limit the home leave of those stationed in the U. S. to 15 workdays appear to apply equally to CIA and other governmental agencies with overseas operations, e.g., economy; fuller employee utilization; and, conceptually, a lesser need for extended home leave by those staying in the U. S. after completion of home leave, as contrasted to those who return immediately overseas.

12. PROPOSAL: Liberalize procedure for approving per diem for family at TDY stops, up to 30 days, while en route to a PCS point.

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